PATENT
Docket No.: 22221/1023 (RU-429)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	O'Donnell et al.	Examiner: Padmavathi Baskar
Serial No.	:	10/048,071	Art Unit: 1645
Cnfrm. No.	:	1435	
Filing Date	:	July 28, 2000	
For	:	DNA REPLICATION PROTEINS OF GRAM POSITIVE BACTERIA AND THEIR USE TO SCREEN FOR CHEMICAL INHIBITORS	

DECLARATION OF MICHAEL E. O'DONNELL UNDER 37 CFR § 1.131

I, MICHAEL E. O'DONNELL, declare as follows:

1. I received a B.S. degree in Biochemistry from the University of Portland, Portland, Oregon in 1975 and a Ph.D. degree in Biochemistry from the University of Michigan, Ann Arbor, Michigan in 1982. I was a postdoctoral Fellow at Stanford University, Palo Alto, California from 1982 to 1986.

2. I am a Professor at Rockefeller University, New York, New York and an investigator at Howard Hughes Medical Institute, Chevy Chase, Maryland.

3. I am a named inventor of the above-identified application.

4. I am an author on over 50 publications dealing with the nucleic acid replication machinery of DNA polymerase type III ("Pol III") enzymes. Since 1982, I have been engaged in the research of Pol III enzymes, their subunits, and the activities thereof. I have extensively analyzed the properties of Pol III enzyme subunits, including their interactive domains and the properties enabling their interaction to forms various components of the Pol III replication machinery.

5. I am presenting this declaration to describe the activities of me and my coinventors as they relate to isolation, prior to July 2, 1997, of a *dnaN* gene open reading frame as presently claimed.

6. Prior to July 2, 1997, we had screened a database of the partially-assembled *S. aureus* genome using an *E. coli dnaN* sequence for the computer-based analysis. These results were obtained, and then we subsequently isolated and cloned the *S. aureus dnaN* open reading frame. Using the cloned open reading frame, we then expressed and isolated the encoded *S. aureus* beta protein. Expression of the *S. aureus* beta protein is illustrated in attached **Exhibit 1** (from which the date has been redacted). All of the above-described work was performed prior to July 2, 1997. Given the homology between the *E. coli* and *S. aureus dnaN* genes (*see* Figure 20E of the present application), we expected that the expressed beta protein would function as a beta clamp. Work performed subsequent to July 2, 1997, confirmed this to be true.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/5/05

Michael E. O'Donnell

staph B3

DATE REDACTED

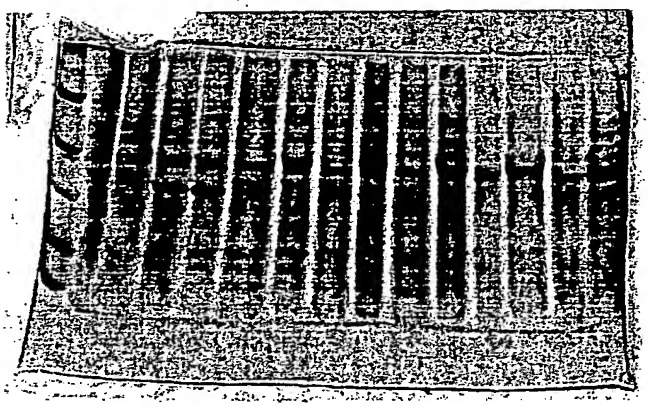

EXHIBIT 1